

REMARKS

This amendment is responsive to the Office Action of February 5, 2008. Reconsideration and allowance of claims 1-19 are requested.

The Office Action

Claims 1-5 and 7-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rockwell (US 6,405,083).

Claims 6 and 15 stand rejected under 35 U.S.C. 103(a) as being obvious over Rockwell in view of Moore (US 7,231,258).

The Claims are not Anticipated by or Obvious over Rockwell

Claim 1 of the present application claims a method for providing instructions that explain the steps in a procedure for instructing a user how to operate an external defibrillator device. A voice prompt transmitted over a wireless protocol instructing the user to attach the set of electrodes to the patient transmitted. Claim 2 adds a voice prompt and transmitting at least one voice prompt instructing the user to administer CPR therapy. As amended, claim 1 also claims checking the impedance of the at least one pair of electrodes, in order to determine whether the electrodes are properly attached, prompting the user over the wireless protocol that the electrodes are not properly attached, discharging the voltage from the defibrillator, and prompting the user to properly attach the electrodes. By contrast, Rockwell arguably discloses a defibrillator which displays textual messages regarding attaching electrodes, analyzing an ECG signal and administering defibrillation shocks. Rockwell has a speaker for audio communication to the user. Rockwell discloses no wireless protocol for communicating with the user.

Rockwell does not disclose monitoring whether the electrode are applied properly.

Claim 2 calls for transmitting a voice prompt over the wireless protocol instructing the user to administer CPR therapy. By contrast, Rockwell arguably discloses user prompts through a visual indication in column 7, lines 24-43 and a speaker for providing audio voice prompts in column 12, lines 41-42, but does not specifically ever disclose that the user prompts are voice prompts over a wireless protocol.

Claim 3 calls for transmitting a voice prompt over the wireless protocol instructing the user that a patient assessment sequence is to begin. Rockwell arguably states that an analysis of the ECG signal occurs, but does not disclose prompting the user that such a sequence is about to begin with voice prompts over a wireless protocol.

Claim 7 calls for transmitting voice prompts over the wireless protocol to a receiver in a portable device. Rockwell does not disclose transmitting voice prompts over the wireless protocol to a receiver in a portable device.

Claim 8 calls for a portable device consists of a headphone, or wireless telephone. Rockwell does not disclose and examiner does not address this distinction.

Accordingly, it is submitted that claim 1 and claims 2–8 dependent therefrom are not anticipated by Rockwell and are distinguishably patentable over Rockwell.

Claim 9 calls for a wireless transmitter for coupled with a voice circuit for transmitting the voice instructions as audio prompts over a wireless communications protocol. Rockwell does not transmit voice instructions wirelessly to the user. Rather Rockwell uses a speaker. As noted in page 2, line 25 and page 3, line 7 of the present application, the low volume and fidelity of speakers in AED's is problematic. In noisy environments and the confusion of surrounding a cardiovascular event, aural prompts can be drowned out and lost.

Claim 10 calls for transmitting voice prompts with the wireless protocol to a receiver in a portable device. The speaker 232 of Rockwell is wired, not wireless.

Claim 11 calls for a portable device consists of a headphone or a wireless telephone. Rockwell does not disclose, and the examiner does not address this distinction.

Claim 12 calls for an electrotherapy device to be an external defibrillator. The examiner does not address this distinction.

Accordingly, it is submitted that claim 9 and claims 10–15 dependent therefrom are not anticipated by Rockwell and distinguish patentably over Rockwell.

The Claims are not Obvious over Rockwell in view of Moore

Claim 6 calls for a wireless protocol is selected from the group of Bluetooth, IEEE 802.11, IEEE 802.15, IEEE 802.16, near field communication

Interface and protocol and HomeRF. Moore addresses communication between computers, not the wireless transmissions of audio prompts. Further, the examiner fails to provide a motivation to as to why one of ordinary skill in the art would combine Rockwell with Moore and offers no benefit of the combination. Examiner merely states that both references refer to wireless communication as a substitute for a motivation to combine. As such, the format of the rejection under 35 U.S.C. 103(a) is not proper and the rejection is equally not proper.

Claim 15 calls for a wireless protocol is selected from the group of Bluetooth, IEEE 802.11, IEEE 802.15, IEEE 802.16, near field communication Interface and protocol and HomeRF. Moore addresses communication between computers, not the wireless transmissions of audio prompts. Further, the examiner fails to provide a motivation to as to why one of ordinary skill in the art would combine Rockwell with Moore and offers no benefit of the combination. Examiner merely states that both references refer to wireless communication as a substitute for a motivation to combine. As such, the format of the rejection under 35 U.S.C. 103(a) is not proper and the rejection is equally not proper.

The New Claims

New claims 16-19 have been added to claim the new concepts more fully.

The Present Amendment

Claim 1 has been amended in order to clarify a functional element in the present application and to more fully distinguish it over the Rockwell reference. The specification supports the amendments on at least page 8, lines 28 – 32 and on page 7, lines 19 – 25 of the specification.

The Present Amendment

The amendment is submitting a new Fig. 1 in which the boxes have been labeled in accordance with the specification.

Drawings

The applicant is enclosing substitute Figure 1 in which the empty boxes have been labeled.

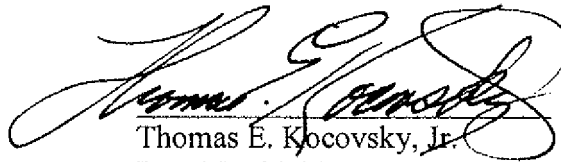
CONCLUSION

For the reasons set forth above, it is submitted that claims 1-19 distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

Fay Sharpe LLP

A handwritten signature in black ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over a horizontal line.

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